

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS

Joseph T. Sobecki  
405 Madison Avenue, Suite 910  
Toledo, Ohio 43604,

Case No. 1:13-cv-506

Plaintiff,

COMPLAINT; DEMAND FOR  
JURY TRIAL

vs.

J. Senese  
Evanston Police Department  
1454 Elmwood Avenue  
Evanston, Illinois 60201

and

Richard Eddington  
Evanston Police Department  
1454 Elmwood Avenue  
Evanston, Illinois 60201

and

City of Evanston  
2100 Ridge Avenue  
Evanston, Illinois 60201,

Defendants.

1. This is an action for money damages brought pursuant to 42 U.S.C. Sections 1983 and 1988, and the Fourth and Fourteenth Amendments to the United States Constitution, against defendant Senese, police officer for the City of Evanston during relevant times, in his individual

capacity, against defendant Eddington, Chief of Police for the City of Evanston during relevant times, in his individual and official capacity, and against Defendant City of Evanston.

2. Defendant Senese was at all times relevant to this Complaint duly appointed and officer of the police department of the City of Evanston, acting under color of law, to wit, under color of the statutes, ordinances, regulations policies, customs and usages of the State of Illinois and/or the City of Evanston.

3. Defendant Eddington was at all times relevant to this Complaint duly appointed and Chief of Police of the police department of the City of Evanston, acting under color of law, to wit, under color of the statutes, ordinances, regulations, policies, customs and usages of the State of Illinois and/or the City of Evanston.

4. Defendant City of Evanston is the public employer of defendants Senese and Eddington.

5. On or about January 19, 2011, in the early morning hours, plaintiff was walking to his place of residence. He was a student at Northwestern University and had been studying at the Northwestern University Library. After exiting the Northern University Library he rode in a Northwestern University approved vehicle on its route and was dropped off by the vehicle at its closest point to his place of residence. Plaintiff then began walking to his place of residence.

6. Defendant Senese stopped plaintiff while he was walking to his place of residence and directed plaintiff to show him his identification. Plaintiff refused. Defendant Senese then arrested plaintiff for no permissible reason.

7. Defendant Senese handcuffed plaintiff. Plaintiff was confined to a City of Evanston police vehicle and transported to the City of Evanston police station, where he continued to be confined involuntarily for approximately three hours in a jail cell.

8. At no time during the events described above was plaintiff intoxicated, a threat to the safety of himself or others, or disorderly. He had not committed any criminal offense.

9. Defendant Senese had no warrant for the arrest of plaintiff, no probable cause for the arrest of plaintiff, and no legal cause or excuse to seize the person of plaintiff.

10. As a direct and proximate result of said acts of defendant Senese, plaintiff suffered the following injuries and damages:

a. Violation of his constitutional rights under the Fourth and Fourteenth Amendments to the United States Constitution to be free from an unreasonable search and seizure of her person;

b. Loss of his physical liberty;

c. Embarrassment, harm to reputation, emotional distress and suffering; and

d. Lost wages.

11. The actions of defendant Senese violated the clearly established and well settled federal constitutional rights of plaintiff to be free from the unreasonable seizure of his person.

#### COUNT I

#### 42 U.S.C. SECTION 1983 CLAIM AGAINST DEFENDANT SENESE FALSE ARREST AND DETENTION

12. Paragraphs 1 through 11 are incorporated herein by reference as though fully set forth.

#### COUNT II

#### 42 U.S.C. SECTION 1983 CLAIM AGAINST DEFENDANTS EDDINGTON AND CITY OF EVANSTON

13. Paragraphs 1 through 11 are incorporated herein by reference as though fully set forth.

14. Defendant Eddington failed to properly train, supervise and control defendant Senese.

15. Prior to January 19, 2011, defendants City of Evanston and/or Eddington developed and maintained policies or customs exhibiting deliberate indifference to the constitutional rights of

persons in Evanston, which caused the violations of plaintiff's rights.

16. It was the policy and/or custom of defendants City of Evanston and/or Eddington to inadequately and improperly investigate citizen complaints of police misconduct, and acts of misconduct were instead tolerated by defendants City of Evanston and/or Eddington.

17. It was the policy and/or custom of defendants City of Evanston and/or Eddington to inadequately supervise and train police officers, including defendant Senese, thereby failing to adequately discourage further constitutional violations on the part of its police officers. Defendants City of Evanston and/or Eddington did not require appropriate in-service training or retraining of officers who were known to have engaged in police misconduct.

18. As a result of the above-described policies and customs, police officers of the City of Evanston, including defendant Senese, believed that their actions would not be properly monitored by supervisory officers and that misconduct would not be adequately investigated or sanctioned, but would be tolerated.

19. The above-described policies and customs demonstrated a deliberate indifference on the part of policymakers of defendants City of Evanston and/or Eddington to the constitutional rights of persons within the City, and were the cause of the violations of plaintiff's rights alleged herein.

WHEREFORE, plaintiff Joseph T. Sobecki requests that this Court:

As to Count I,

a. Award compensatory damages to plaintiff against defendant Senese in the amount of \$125,000.00;

b. Award punitive damages to plaintiff against defendant Senese in the amount of \$250,000.00;

c. Award reasonable attorney's fees, costs, expenses, prejudgment interest, and post-judgment interest; and

d. Award such other and further relief as this Court may deem appropriate.

As to Count II,

a. Award compensatory damages, jointly and severally, to plaintiff against defendants City of Evanston and Eddington, in the amount of \$125,000.00;

b. Award reasonable attorney's fees, costs, expenses, prejudgment interest, and post-judgment interest, and

c. Award such other and further relief as this Court may deem appropriate.

Respectfully submitted,

/s/ Thomas A. Sobecki

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JURY DEMAND

Plaintiff demands a trial by jury on all counts.

/s/ Thomas A. Sobecki

Thomas A. Sobecki

Attorney for Plaintiff

Joseph T. Sobecki

